

APPROVED

MINUTES OF THE MEETING

GOVERNING BOARD SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

BROOKSVILLE, FLORIDA

OCTOBER 30, 2012

The Governing Board of the Southwest Florida Water Management District (SWFWMD) met for its regular meeting at 9:00 a.m. on October 30, 2012, at the District's headquarters in Brooksville. The following persons were present:

Board Members Present

H. Paul Senft, Chair
Douglas B. Tharp, Vice Chair
Jeffrey M. Adams, Treasurer
Michael A. Babb, Member
Carlos M. Beruff, Member
Jennifer E. Closshey, Member
Wendy Griffin, Member
Randall S. Maggard, Member
Todd Pressman, Member

Board Member(s) Teleconferencing

Albert G. Joerger, Secretary

Staff Members

Blake C. Guillory, Executive Director
Laura J. Donaldson, General Counsel
Robert R. Beltran, Assistant Executive Director
David T. Rathke, Chief of Staff
Kurt P. Fritsch, Division Director
Mark A. Hammond, Division Director
Michael L. Holtkamp, Division Director
Alba E. Más, Division Director

Board's Administrative Support

LuAnne Stout, Administrative Coordinator
Linda De Jonge, Senior Administrative Asst.

A list of others present who signed the attendance roster is filed in the permanent records of the District. This meeting was available for viewing through internet streaming. Approved minutes from previous meetings can be found on the District's Web site (www.WaterMatters.org).

PUBLIC HEARING (Video – 00:00)

1. Call to Order

Chair Senft called the meeting to order and opened the public hearing. Mr. Adams noted a quorum was present.

2. Pledge of Allegiance and Invocation

Mr. Rathke offered the invocation. Chair Senft led the Pledge of Allegiance to the Flag of the United States of America.

Public Hearing

Chair Senft introduced each member of the Governing Board. He noted that the Board's meeting was recorded for broadcast on government access channels, and public input was only taken during the meeting onsite.

Chair Senft stated that anyone wishing to address the Governing Board concerning any item listed on the agenda or any item that does not appear on the agenda should fill out and submit a speaker's card. To assure that all participants have an opportunity to speak, a member of the public may submit a speaker's card to comment on agenda items only during today's meeting. If the speaker wishes to address the Board on an issue not on today's agenda, a speaker's card may be submitted for comment during "Public Input." Chair Senft stated that comments would be limited to three minutes per speaker, and, when appropriate, exceptions to the three-minute limit may be granted by the Chair. He also requested that several individuals wishing to speak on the same issue/topic designate a spokesperson. (00:00/04:28)

3. **Oath of Office for Newly Appointed or Reappointed Board Members**

No appointments or reappointments occurred so this item was deferred.

4. **Additions/Deletions to Agenda** (Video – 05:35)

The Governing Board may take official action at this meeting on any item appearing on this agenda and on any item that is added to this agenda as a result of a change to the agenda approved by the presiding officer of the meeting pursuant to Section 120.525, Florida Statutes. Mr. Guillory noted there is one item moved and two additions as follows:

CONSENT AGENDA

Resource Management Committee

The following item is moved for discussion:

13. Minimum Flows and Levels Priority List and Schedule Update

The following item is added for consideration:

- ☐ Facilitating Agricultural Resource Management Systems (FARMS) – Ben Hill Griffin, Inc. – Section 16 & 17 Grove (H689), Highlands County

CHAIR'S REPORT

The following item is added for consideration:

- ☐ Office of General Counsel

Ms. Closshey moved, seconded by Mr. Maggard, to approve the amended agenda. Motion carried unanimously. (Track 1 – 00:00/01:45)

5. **Ceremony to Honor Judith C. Whitehead for Her Service on the Governing Board**

Chair Senft presented Ms. Whitehead with plaques and framed resolution to honor her service from March 2003 to August 2012 and as chair from May 2007 to May 2008. Ms. Whitehead expressed her appreciation for the dedication of Board members and staff's support. (Track 1 – 01:45/10:10)

6. **Employee Recognition**

The following staff member achieved the milestone of 25 years for the period of October 1, 2012 to December 31, 2012, and was recognized before the Board. (Track 1 – 10:10/15:02)

MILESTONE	EMPLOYEE NAME	TITLE	BUREAU	LOCATION
25 Years	Philip Rhinesmith	Sr Environmental Scientist	Natural Systems & Restoration	Brooksville

7. **Public Input for Issues Not Listed on the Published Agenda** (Video – 20:36)

Chair Senft noted that one *Request to Speak* card had been submitted.

Mr. Pat Lehman, Peace River Manasota Regional Water Supply Authority Executive Director, provided the highlights of the Integrated Loop System Phase 1A Interconnect Project for the Board's information. He noted that the dedication took place on October 25, 2012, at which the Chair and District staff attended. Mr. Guillory accepted a plaque on behalf of the District from Chair Senft and Mr. Lehman. (Track 2 – 00:00/06:08)

CONSENT AGENDA (Video – 26:41)

The following item was added to the Consent Agenda – Resource Management Committee: Facilitating Agricultural Resource Management Systems (FARMS) – Ben Hill Griffin, Inc. – Section 16 & 17 Grove (H689), Highlands County. Item 13 was moved to the Resource Management Committee for discussion.

8. Individual Water Use Permits (WUPs) Referred to the Governing Board

a. WUP No. 20011400.025 – Mosaic Fertilizer, LLC / Integrated Water Use Permit – Polk, Hardee, DeSoto, Hillsborough and Manatee Counties

This is a 20-year renewal with modification to reduce total permitted quantities and combine seven of Mosaic's existing WUPs into a single Integrated WUP for the purposes of phosphate rock mining and fertilizer manufacturing. Staff recommended the Board approve the proposed permit included in the Board's meeting materials as an exhibit.

b. WUP No. 20007178.006 – Development and Construction Corporation of America / Oak Run Development – Marion County

This permit is a renewal with modification for recreational/aesthetic type use. The authorized quantities are an increase from those previously permitted. Staff recommended the Board approve the proposed permit included in the Board's meeting materials as an exhibit.

Operations & Land Management Committee

9. Conveyance of a Conservation Easement to the Florida Department of Environmental Protection for Mitigation Purposes, Polk County

Staff recommended the Board authorize the Board Chair and Secretary to execute the instrument necessary to convey a Conservation Easement to the Florida Department of Environmental Protection.

10. Acceptance of Easement Donation – Peace Creek Canal Project, SWF Parcel No. 20-696-206P

Staff recommended the Board accept the donation of an easement interest over 3.41 acres located along the Peace Creek Canal owned by New Cingular Wireless PCS, LLC.

Resource Management Committee

11. Initiation and Approval of Rulemaking to Amend 40D-8.624, Florida Administrative Code (F.A.C.), to Adopt Minimum and Guidance Levels for Lakes Bonable, Tiger, and Little Bonable in Marion County

Staff recommended the Board:

- (1) Accept the reports entitled, "Proposed Minimum and Guidance Levels for Lakes Bonable and Tiger in Marion County" and "Proposed Minimum and Guidance Levels for Little Lake Bonable in Marion County," dated August 30, 2012 and September 14, 2012, respectively.
- (2) Authorize staff to make any necessary clarifying or minor technical changes that may result from the rulemaking process and to complete report finalization.
- (3) Initiate and approve rulemaking to amend Rule 40D-8.624, F.A.C., to delete the previously adopted guidance levels and add new guidance and minimum levels for lakes Bonable, Tiger, and Little Bonable in Marion County.

12. Adopt Resolution No. 12-15 for the Reallocation of Funds Appropriated by the State in Fiscal Years 2006 and 2008 – Water Protection and Sustainability Trust Fund

Staff recommended the Board:

- (1) Adopt Resolution No. 12-15 to reallocate a total of \$637,824, with \$635,752 in FY2006 trust funds approved for the Bradenton ASR System Including Oxygen Removal Study (\$45,250), Lake Tarpon ASR Test Well Program (\$234,834), Morningside Area Reclaimed Water Transmission and Distribution System (\$219,620), and Haines City's Southern Area Transmission Main Extension (\$136,048); and \$2,072 in FY2008 trust funds approved for the Haines City's Southern Area Transmission Main Extension and transfer to the ongoing Manatee's Second of Four MARS 10 Million Gallon (MG) Reclaimed Storage Tank (H093) project; approve the transfer of \$318,912 of ad valorem funds which will be reimbursed by the WPSTF;
- (2) Authorize staff to amend the agreement to add language that will allow the project to use those funds; and
- (3) Authorize the Executive Director or his designee to execute the amendment.

13. **Minimum Flows and Levels Priority List and Schedule Update** – This item was moved for discussion purposes.

14. **Facilitating Agricultural Resource Management Systems (FARMS) Program (H017) – Reallocation of State Trust Funds and Budget Transfer**

Staff recommended the Board approve the reallocation of \$1,139,528 in State funding for the West-Central Florida Water Restoration Action Plan and the transfer of the associated expenditure budget from the Lake Hancock Lake Level Modification project (H008) to the FARMS Program (H017) for future funding of agricultural Best Management Practices consistent with FARMS Rule 40D-26, F.A.C.

- Add-On Item: Facilitating Agricultural Resource Management Systems (FARMS) – Ben Hill Griffin, Inc. – Section 16 & 17 Grove (H689), Highlands County**

Staff recommended the Board:

- (1) Approve the Ben Hill Griffin Inc. – Section 16 & 17 Grove project for a not-to-exceed reimbursement of \$188,212, with \$183,212 provided from State Appropriations allocated to the Governing Board;
- (2) Authorize the transfer of \$183,212 of State Appropriations funds located in 010 H017 Governing Board FARMS Funds to the 010 H689 Ben Hill Griffin, Inc. – Section 16 & 17 Grove project fund; and
- (3) Authorize the Resource Management Division Director to execute the agreement.

Finance & Administration Committee

15. **Budget Transfer Report**

Staff recommended the Board approve the Budget Transfer Report covering all budget transfers for September 2012.

16. **Office Service Analysis**

Staff recommended the Board:

- (1) Conduct an analysis of current market rates for office services, including printing, mailing, and document imaging, through a RFP;
- (2) Perform a cost-comparison of the District's existing office service expenses; and
- (3) Explore any cost-saving opportunities identified.

General Counsel's Report

17. **Administrative, Enforcement and Litigation Activities that Require Governing Board Approval**

- a. **Interagency Agreement between the SWFWMD and the SJRWMD to Designate the SWFWMD as the Agency with Regulatory Responsibility for Water Use Permitting – Whitehurst Cattle Company – Marion and Levy Counties**

Staff recommended the Board approve the Interagency Agreement between the Districts for Designation of Regulatory Responsibility for Water Use Permitting of the Whitehurst Cattle Company in Marion and Levy Counties.

- b. **Initiation of Litigation – Unauthorized Construction - James V. Risher and Carolyn Risher – Levy County**

Staff recommended the Board authorize the initiation of litigation against James and Carolyn Risher and any other appropriate parties to obtain compliance, to recover an administrative fine/civil penalty for the violations, and to recover District enforcement costs, court costs and attorney's fees.

- c. **Consent Order – Surface Water Activity - Robert J. Colvin and Mary A. Colvin – Lake County**

Staff recommended the Board approve the Consent Order between the District and Robert and Mary Colvin.

- d. **Settlement – SWFWMD v. M. Lewis King and Hancock Lake Ranch, LLC (Parcel No. 20-503-111-P)**

Staff recommended the Board approve the settlement agreement whereby the District will pay the owners \$170,000 for the easement necessary for implementation of the Project.

e. **Settlement – Mudd v. City of Lake Wales and SWFWMD (Tenth Judicial Circuit) – Polk County**

Staff recommended the Board approve the settlement agreement whereby the District will pay the plaintiffs \$40,000 in exchange for being dismissed from the lawsuit.

18. **Rulemaking**

a. **Approve Repeal of Rule 40D-2.322, F.A.C., to be Consistent with the Changes Necessitated by the Florida Department of Environmental Protection's Guidance for Consumptive Use Permit Compliance Reporting Requirements and Review Memorandum**

Staff recommended the Board approve repealing Rule 40D-2.322, F.A.C., to be more consistent with Section 373.236(4), F.S., rules of the other WMDs and the Memo by eliminating the automatic reduction in permitted quantities, the requirement for additional groundwater modeling and the automatic reduction in permit duration.

b. **Initiation and Approval of Rulemaking to Amend Rule 40D-1.608, F.A.C., to Clarify the Requirements for Certain Counties and Municipalities to Request a Permit Fee Reduction**

Staff recommended the Board initiate and approve rulemaking to amend Rule 40D-1.608, F.A.C., to clarify the requirements for certain counties and municipalities to request a permit fee reduction and to delete provisions that repeat the requirements contained in Section 218.075, F.S., and authorize staff to make any necessary clarifying or technical changes that may result from the rulemaking process.

Executive Director's Report

19. **Approve Governing Board Minutes**

- a. First Public Budget Hearing – September 11, 2012
- b. Monthly Meeting – September 25, 2012
- c. Second Public Budget Hearing – September 25, 2012

Staff recommended approving the minutes as presented.

Ms. Closshey moved, seconded by Mr. Tharp, to approve the Consent Agenda as amended. Motion carried unanimously. (Track 3 – 00:00/00:53)

Chair Senft relinquished the gavel to Resource Management Committee Vice Chair Babb who called the Committee meeting to order.

RESOURCE MANAGEMENT COMMITTEE (Video – 27:52)

Discussion Items

20. **Consent Item(s) Moved for Discussion** – Item 13

13. **Minimum Flows and Levels Priority List and Schedule Update** (Video – 28:07)

Pursuant to Sections 373.036(7) and 373.042(2), Florida Statutes (F.S.), the District is required to annually update its priority list and schedule for the establishment of minimum flows and levels (MFLs), submit the approved list to the Florida Department of Environmental Protection (FDEP) for approval, and include the approved list in the District's Consolidated Annual Report. Staff presented a draft "Proposed Southwest Florida Water Management District Fiscal Year 2013 (October 2012 – September 2013) Minimum Flows and Levels Priority List and Schedule" to the Governing Board at the September 25, 2012 meeting.

Mr. Hammond said comment on the draft priority list was received at a public workshop held at the Tampa Service Office on October 1, 2012. A representative

from Pasco County requested that Crews Lake in Pasco County be added to the priority list. Staff notes that Crews Lake was previously included on the priority list, but was removed pending delays associated with completion of floodplain mapping for the lake watershed. Staff expects to recommend reinstatement of the lake on the priority list once that work is completed.

Mr. Bruce Kennedy, representing Pasco County, expressed the importance of keeping Crews Lake on the MFLs list so the restoration project moves forward.

Mr. Pressman moved, seconded by Ms. Closshey, to approve the Minimum Flows and Levels Priority List and Schedule for submission to FDEP for review and approval as required by Chapter 373, F.S.; to accept direction from Pasco County to add Crews Lake to the MFLs list; and to communicate in writing to the property owners so they are aware of District and County cooperative efforts. Motion carried unanimously. (Track 4 - 00:00/06:27)

21. **Initiation and Approval of Rulemaking to Amend 40D-8.041, F.A.C., to Establish Minimum Flows for the Chassahowitzka and Homosassa River Systems and Accept Reports** (Video – 34:12)

Mr. Hammond provided introductory comments. Mr. Doug Leeper, Chief Environmental Scientist, Water Resources Bureau, reviewed the science behind the study and staff recommendation. The revised, recommended minimum flows for the Chassahowitzka River System are 91 percent of its natural flow; and the revised, recommended minimum flows for the Homosassa River System are 97 percent of its natural flow. There are currently no permitted surface withdrawals from either system, and flow reductions in each that may be associated with groundwater withdrawals are minimal (~1%). The District is committed to the reevaluation of minimum flows that are adopted for the systems, as necessary, and staff recommends that minimum flows for the systems should be evaluated within ten years of their adoption.

Staff recommended to:

- (1) Accept the report entitled, "Recommended Minimum Flows for the Chassahowitzka River System," dated July 15, 2012.
- (2) Initiate rulemaking and approve adoption of amendments to Rule 40D-8.041, Florida Administrative Code, to establish minimum flows for the Chassahowitzka River System.
- (3) Accept the report entitled, "Recommended Minimum Flows for the Homosassa River System," dated July 15, 2012.
- (4) Initiate rulemaking and approve adoption of amendments to Rule 40D-8.041, Florida Administrative Code, to establish minimum flows for the Homosassa River System.
- (5) Authorize staff to make any necessary clarifying or minor technical changes that may result from the rulemaking process.

Board discussion ensued regarding peer review, policy, study's beginning baseline, and modeling. (Track 5 – 00:00/53:00)

Committee Vice Chair Babb opened the floor for public comment and recognized each person who submitted a *Request to Speak* card. These cards are filed in the permanent records of the District. (Video – 87:20, Track 5 – 53:00/58:58, Track 6 – 00:00/129:10)

(Mr. Pressman left the meeting at 12:00 p.m.)

Discussion ensued regarding the staff recommendation, delaying a decision, degradation causes, economic study, and amending the staff recommendation. (Track 7 – 00:00/58:58)

Ms. Closshey moved to approve the staff recommendation with a modification that minimum flows for the systems should be evaluated within five years of their adoption. Mr. Adams seconded the motion.

In response to Ms. Griffin's inquiry, Mr. Hammond said he estimates the cost of District resources to spend six months working with the community is approximately \$250,000.

Discussion ensued. Ms. Closshey requested direction from Ms. Donaldson about modifying her motion. Ms. Donaldson asked for time to meet with staff and return to the Board.

Committee Chair Babb recessed the meeting for a lunch break at 1:36 p.m. (Track 7 – 00:00/51:32)

The Committee meeting reconvened at 2:15 p.m. (Video – 274:00) (Mr. Beruff left the meeting at 1:00 p.m. but was available via teleconference.)

Ms. Donaldson presented the revised staff recommendation for the Board's consideration as follows:

- (1) Accept the report entitled "Recommended Minimum Flows for the Chassahowitzka River System" dated July 15, 2012.
- (2) Initiate rulemaking and approve adoption to Rule 40D-8.041, FAC, to establish minimum flows for the Chassahowitzka River System at 97% of natural flows.
- (3) Accept the report entitled "Recommended Minimum Flows for the Homosassa River System" dated July 15, 2012.
- (4) Initiate rulemaking and approve adoption to Rule 40D-8.041, FAC, to establish minimum flows for the Homosassa River System at 97% of natural flows.
- (5) Reevaluate the MFLs for both systems in six years.
- (6) Direct staff to develop the framework for a Water Use Caution Area for Hernando and Citrus Counties, including options with associated costs, with such framework being developed with stakeholder input and being presented to the Board at its June meeting.
- (7) Direct staff to develop a summary of all current and future activities and funding regarding springs and rivers in this area being presented to the Board at its January meeting.
- (8) Authorize staff to make any necessary clarifying or minor technical changes.

Following consideration, **Ms. Closshey amended the motion to approve the aforementioned revised staff recommendation. Mr. Adams accepted the amended motion.**

Committee Chair Babb called for a roll call vote on the amended motion. The motion passed with seven affirmatives and one objection. (Messrs. Joerger and Pressman were not available for the vote). (Track 8 – 00:00/22:26)

Submit & File Reports – None

Routine Reports

The following items were provided for the Committee's information, and no action was required.

- 22. **Minimum Flows and Levels**
- 23. **Watershed Management Program and Federal Emergency Management Agency Map Modernization**
- 24. **Significant Water Supply and Resource Development Projects**

Resource Management Committee Vice Chair Babb adjourned the Committee meeting, and relinquished the gavel to Chair Senft who called the Committee meeting to order. (Track 9 – 00:00/00:21)

REGULATION COMMITTEE (Video – 296:46)

- 25. **Consent Item(s) Moved for Discussion** – None
- 26. **Denials Referred to the Governing Board** – None

Submit & File Report

The following item was submitted for the Committee's information, and no action was required.

- 27. **Public Supply Report**

Routine Reports

The following items were provided for the Committee's information, and no action was required.

- 28. **Southern Water Use Caution Area Quantities**
- 29. **Overpumpage Report**
- 30. **E-Permitting Metrics: Online vs. Paper Applications**
- 31. **Individual Permits Issued by District Staff**
- 32. **Resource Regulation Significant Initiatives**

Chair Senft adjourned the Committee meeting, and relinquished the gavel to Operations and Land Management Committee Chair Babb who called the meeting to order. (Track 10 – 00:00/01:45)

OPERATIONS & LAND MANAGEMENT COMMITTEE (Video – 298:38)

Discussion Items

- 33. **Consent Item(s) Moved for Discussion** – None

- 34. **Hydrologic Conditions Status Report**

Mr. Granville Kinsman, Manager, Hydrologic Data Section, noted that September historically marks the last month of the four-month wet season and this year's September provisional rainfall totals were less than expected, falling into the low-normal to below-normal range in all regions of the District. Rainfall received during the first three months of the 2012 wet season significantly improved hydrologic conditions, but the passage of Tropical Storm Isaac in late August saw a weather pattern shift to somewhat drier conditions. Analysis of provisional rainfall data for the four-month wet-season shows District-wide totals to be about 5.1 inches above the long-term historic average. As the District enters into the eight-month dry season (October through May), the 12-month and 24-month cumulative rainfall deficits, District-wide, are approximately 1.4 and 7.3 inches, respectively. Hydrologic indicators continued to show improvement in most regions of the District during September, while the Tampa Bay Region saw declines in lake levels and

streamflow. Streamflow conditions in regional index rivers continue to remain at levels that allow their use as public supply sources. (Track 11 – 00:00/08:40)

This item was presented for the Committee's information, and no action was required.

Submit & File Reports

The following items were submitted for the Committee's information, and no action was required.

- 35. Surplus Lands Assessment Update
- 36. Flying Eagle Nature Center Update
- 37. Land Management Team Review Evaluations – Chassahowitzka Riverine Swamp, Jack Creek, Starkey Wilderness Preserve and Conner Preserve

Routine Reports

The following items were provided for the Committee's information, and no action was required.

- 38. Structure Operations
- 39. Significant Activities

Mr. Holtkamp noted that staff identified the largest red maple in the state at 108-feet tall with a 166-inch circumference and it is located in the Green Swamp East Tract.

Operations and Land Management Committee Chair Babb adjourned the Committee meeting and relinquished the gavel to Outreach and Planning Committee Chair Adams who called the Committee meeting to order. (Track 11 – 08:40/09:47)

OUTREACH & PLANNING COMMITTEE (Video – 308:13)

Discussion Items – None

Submit & File Reports – None

Routine Reports

The following items were provided for the Committee's information, and no action was required.

- 40. Comprehensive Plan Amendment and Related Reviews
- 41. Development of Regional Impact Activity Report
- 42. Significant Activities

Committee Chair Adams adjourned the Outreach and Planning Committee meeting, and called to order the Finance and Administration Committee meeting. (Track 12 – 00:00/00:33)

FINANCE & ADMINISTRATION COMMITTEE (Video – 308:49)

Discussion Items

- 43. Consent Item(s) Moved for Discussion – None

Submit & File Report

The following item was submitted for the Committee's information, and no action was required.

- 44. Bartow Service Office Update

Routine Reports

The following items were provided for the Committee's information, and no action was required.

- 45. **Treasurer's Report, Payment Register and Contingency Funds Report**
- 46. **Monthly Financial Statement**
- 47. **Monthly Cash Balances by Fiscal Year**

Finance and Administration Committee Chair Adams adjourned the Committee meeting and relinquished the gavel to Chair Senft. (Track 13 – 00:00/00:51)

GENERAL COUNSEL'S REPORT (Video – 310:03)

Discussion Items

- 48. **Consent Item(s) Moved for Discussion** – None

Submit & File Report

The following item was submitted for the Committee's information, and no action was required.

- 49. **Environmental Resource Permit Penalties Equal to or Greater than \$5,000**

Routine Reports

The following items were provided for the Committee's information, and no action was required.

- 50. **Litigation Report**
- 51. **Rulemaking Update** (Track 14 – 00:00/00:25, Track 15 – 00:00/00:27)

COMMITTEE/LIAISON REPORTS (Video – 310:43)

The following reports were provided in the Board meeting materials.

- 52. **Environmental Advisory Committee Meeting**
- 53. **Well Drillers Advisory Committee Meeting**
- 54. **Tampa Bay Regional Planning Council Meeting**
- 55. **Other Liaison Reports** – None (Track 16 – 00:00/01:26)

EXECUTIVE DIRECTOR'S REPORT (Video – 311:53)

- 56. **Executive Director's Report**

- a. **Inspector General Policies, Procedures and Succession**

Mr. Guillory said that, pursuant to Board Policy, the following options are available for consideration: (1) immediately appoint an Inspector General; (2) appoint an interim Inspector General; and (3) have the position remain open during the recruitment and selection of a new Inspector General. In addition, if either option (2) or (3) is selected, the Governing Board will then decide who will conduct the recruitment, the Executive Director or the Governing Board. The procedures are substantially the same. Under either option, the Governing Board selects the new Inspector General by a majority vote.

To facilitate the decision-making process, staff is recommending that the Board should first determine whether it wants to immediately appoint an Inspector General; appoint an interim Inspector General; or have the position remain open during the recruitment and selection process. Consistent with the Governing Board's decision last year regarding the interim Executive Director, if option (2) is selected, it is advisable that the person who serves as interim Inspector General is not a candidate for the position.

Ms. Closshey moved, seconded by Mr. Maggard, to appoint Mr. Kurt Fritsch as Inspector General effective immediately, and for he and the Executive Director to develop a plan to transition from his current position to the Inspector General position by December 1, 2012. (Track 17 – 00:00/04:20)

Mr. Maggard asked Mr. Fritsch if he would accept the position. Mr. Fritsch said it is an honor and that, if the Board is agreeable to appoint him, then he would accept it.

Ms. Donaldson noted that the Inspector General is an employee of the Board so there could be an issue if he is also reporting to the Executive Director.

Ms. Closshey modified her motion to appoint Mr. Fritsch to the Inspector General position effective immediately. Mr. Maggard seconded the modified motion and it carried unanimously. (Track 17 – 04:20/11:55)

- b. **Other** – Mr. Guillory noted that a *Request to Speak* card was submitted late for an item on the published agenda.

Mr. Chester Bradshaw, resident of Citrus County, spoke regarding Item 38, Structure Operations, and provided a handout to the Board. He noted that a formal complaint has been made to the Florida Department of Environmental Protection regarding tie-back levies and flooding problems.

Chair Senft said that Mr. Guillory and Ms. Donaldson will handle this issue. (Track 17 – 11:55/16:37)

CHAIR'S REPORT (Video – 328:35)

57. Chair's Report

Chair Senft said that, on October 4, 2012, Mr. Guillory reached his one-year milestone as the District's Executive Director and the District has had many significant achievements under his leadership. At the November meeting, Board members will receive a briefing from Mr. Guillory on key accomplishments for FY2011-12 and key goals for FY2012-13, and information and forms to provide feedback on the past year's performance.

Chair Senft noted that he will be filling Committee chair positions with current Board members in the next weeks. (Track 18 – 02:00/02:40)

- a. **Approve Resolution 12-16 Commending Hugh M. Gramling for His Service on the Board**

Ms. Closshey moved, seconded by Mr. Maggard, to approve Resolution 12-16 for presentation to Mr. Gramling at a future meeting. Motion carried unanimously. (Track 18 – 02:40/03:08)

- b. **Other** – Chair Senft said the following item was added for the Board's consideration.

Office of Inspector General

Mr. Roosevelt Shannon, Assistant Inspector General, said with the appointment of Mr. Fritsch, he will be working with him to transition duties and responsibilities of the Inspector General. (Track 18 – 03:08/05:50)

Chair Senft requested that, at each monthly meeting, ten copies of the dashboard be provided for Board members to use when answering questions and for full disclosure of District activities.

Mr. Maggard thanked Regulation Division staff for improving response time to phone calls from applicants.

Mr. Tharp thanked Ms. Donaldson for the MFLs recommendation provided. Ms. Donaldson noted it was a joint effort with Messrs. Guillory, Beltran, Rathke and Hammond.

There being no further business to come before the Board, Chair Senft recessed the public hearing and adjourned the meeting at 3:28 p.m. (Video – 338:43, Track 18 – 05:50/09:56)

The Southwest Florida Water Management District (District) does not discriminate on the basis of disability. This nondiscrimination policy involves every aspect of the District's functions, including access to and participation in the District's programs and activities. Anyone requiring reasonable accommodation as provided for in the Americans with Disabilities Act should contact the District's Human Resources Bureau Chief, 2379 Broad Street, Brooksville, Florida 34604-6899; telephone (352) 796-7211, ext. 4702, or 1-800-423-1476 (FL only), ext. 4702; TDD (FL only) 1-800-231-6103; or email to ADACoordinator@swfwmd.state.fl.us.